

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD GIBSON,

Plaintiff,

v.

E. CASTELLANOS, et al.,

Defendants.

No. 1:21-cv-00794 KES GSA (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR THE APPOINTMENT OF COUNSEL AS
DUPLICATIVE

(ECF No. 41)

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff has filed a motion for the appointment of counsel. ECF No. 41. For the reasons stated below the motion will be denied.

I. RELEVANT FACTS

This is Plaintiff's second request for the appointment of counsel in less than a month. See ECF No. 39 (first request for appointment of counsel, docketed March 18, 2024). On March 21, 2024, his first request was denied, and Plaintiff is currently appealing that decision. See ECF Nos. 40, 42, 43 (denial of motion; appeal of denial).

In support of the instant motion, Plaintiff states that he is unable to read or write. See ECF No. 41 at 1. This is the same assertion he made less than three weeks ago in his first motion

1 for the appointment of counsel which is currently on appeal. See ECF No. 39 at 1.

2 II. DISCUSSION

3 Given (1) the short period of time between Plaintiff's first and second request for the
4 appointment of counsel; (2) the fact that Plaintiff's reasons in support of the request are virtually
5 the same as those in his recently denied motion, and (3) the fact that the Court's first denial of
6 Plaintiff's appointment of counsel request is currently on appeal, the Court construes the instant
7 motion as duplicative, and it will be denied as such.

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for the appointment of
9 counsel (ECF No. 41) is DENIED without prejudice as DUPLICATIVE.

10 IT IS SO ORDERED.

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12 Dated: April 9, 2024

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE